

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NELSON ALBERTO ROCHA,
Petitioner,

v.

LELAND McEWEN, Warden,
Respondent.

Case No. ED CV 12-01194-VBF (LAL)

**ORDER ACCEPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE AND DENYING
CERTIFICATE OF APPEALABILITY**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the habeas corpus petition (CM/ECF Document (“Doc”) 1), the respondent warden’s answer and answer memorandum (Docs 6-7), the documents lodged by the respondent (Doc 8), the United States Magistrate Judge’s Report and Recommendation (“R&R”) filed May 20, 2015 (Doc 13), and the applicable law. Petitioner did not file a traverse in support of his habeas petition. Pursuant to the Magistrate Judge’s Notice of Filing (Doc 12) and the Prison Mailbox Rule, petitioner had to tender any objections to prison staff for mailing no later than June 9, 2015, and petitioner has neither filed objections nor moved for an extension of time in which to do so. Accordingly:

The Report and Recommendation is ADOPTED without objection.

The habeas corpus petition is denied.

1 For reasons stated in the R&R, the Court finds that petitioner has not made a substantial showing
2 of the denial of a constitutional right.¹ Thus, **the Court declines to issue a certificate of appealability.**

3 Final judgment shall be entered in favor of the respondent and against petitioner Rocha; as required
4 by Federal Rule of Civil Procedure 58(a), the judgment will be entered by separate document.

5 **This action is dismissed with prejudice and the case is TERMINATED.**

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8 Dated: September 30, 2015



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10 Honorable Valerie Baker Fairbank
Senior United States District Judge
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28 ¹ See 28 U.S.C. § 2253; Fed. R. App. P. 22(b); Miller-El v. Cockrell, 537 U.S. 322, 336, 123 S. Ct. 1029, 154 L. Ed. 2d 931 (2003).